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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,326	09/18/2001	Ian Malthouse	915.393	9611

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/14/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,326

Applicant(s)

MALTHOUSE, IAN

Examiner

Melur Ramakrishnaiah

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 21-27 is/are rejected.
- 7) ☒ Claim(s) 6-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 21, are rejected under 35 U.S.C 102(e) as being anticipated by Zolkos et al. (US PAT: 6,138,916).

Regarding claim 1, Zolkos discloses a smart card reader module comprising: a biasing member (55, figs. 3, 11, col. 7 lines 20-24) to eject the smart card inserted into the module, and a locking member (reads on 14, fig. 1) to retain an inserted card in the module, wherein the biasing member is operable to eject a smart card from the module on release of the locking member (figs. 1-3, col. 5 lines 24-34, col. 6 lines 39-53).

Regarding claims 2-5, 21, Zolkos further teaches the following: chassis (18, fig. 1) having a chamber therein and a slot (19, fig. 1) to enable insertion of a smart card into the chamber (col. 5 lines 24-29), biasing member includes an actuator (51, fig. 3) and a spring (55, fig. 11), the arrangement being such that a partially inserted card contacts one end of the actuator, further insertion of the card causing the actuator to move with the card thereby compress the spring to bias the card in a direction against the direction of insertion, wherein the actuator and spring are disposed in an elongate cavity in the chassis, and one end of the actuator protruding the cavity into the chamber,

spring (55, figs. 3, 11) is a compression spring (col. 7 lines 19-24, col. 7 lines 66-67, col. 8 lines 1-2), chassis includes terminals for connection with corresponding terminals in an inserted smart card (col. 5 lines 51-60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zolkos in view of Michel et al. (US PAT: 6,665,544 B1, filed 3-18-2000, hereinafter Michel).

Regarding claims 22-24, Zolkos does not teach the following: mounts for mounting the module to an electronic device, electronic device incorporating a smart card reader is a mobile telephone.

However, Michel discloses SIM card reader and mobile telephone equipped with the same, which teaches the following: mounts for mounting the module to an electronic device, electronic device incorporating a smart card reader is a mobile telephone (figs. 1-4, col. 3 lines 51-67, col. 4 lines 4-33).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Zolkos' system to provide for the following: mounts for mounting the module to an electronic device, electronic device incorporating a smart

card reader is a mobile telephone as this arrangement would facilitate the utilization of card reader in such as applications as mobile phone as taught by Michel.

Regarding claims 25-26, Zolkos does not teach the following: a casing and a battery pack, a smart card being inserted into the module through an opening in the casing, battery pack blocks the opening when fitted and prevent release of an inserted card due to inadvertent operation of the locking member.

However, Michel teaches the following: a casing and a battery pack, a smart card being inserted into the module through an opening in the casing, battery pack blocks the opening when fitted and prevent release of an inserted card due to inadvertent operation of the locking member.(figs. 2-3, col. 8 lines 27-33).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Zolkos' system to provide for the following: a casing and a battery pack, a smart card being inserted into the module through an opening in the casing, battery pack blocks the opening when fitted and prevent release of an inserted card due to inadvertent operation of the locking member as this arrangement would facilitate to protect the card from accidental discharge from its position as taught by Michel, thus preventing the hassle for the user regarding the card usage.

Regarding claim 27, Zolkos teaches the following: the locking member (14, fig. 2) protrudes through the casing (fig. 2).

5. Claims 6-20, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643